

**REMARKS**

Claims 1 – 17 are pending in the present application. Claims 1, 5 – 11, 13, and 14 have been amended, Claims 2 – 4 and 15 – 17 have been cancelled, and Claims 18 – 28 have been added, leaving Claims 1, 5 – 14, and 18 – 28 for consideration upon entering the present amendment. The Specification and claims have been amended to correct typographical and grammatical errors and for consistency of language. Claim 1 has further been amended to more clearly claim the present invention. Support for this amendment can at least be found in original Claim 4. Claims 18 – 28 have been added to further claim the present invention. Support for these new claims can be found in the specification and claims as originally filed. For example, support can be found in the examples, figures, and elsewhere. No new matter has been added to the Specification or claims.

The Examiner has required restriction pursuant to 35 U.S.C. §121. The Examiner contends that: Group I, Claims 1 – 12, is drawn a NOx control, classified in class 422, subclass 177, while Group II, Claims 13 and 14, is drawn to an apparatus, classified in class 422, subclass 168, and Group III, Claims 15 - 17, is drawn to a method for poison protection, classified in class 422, subclass 178. Pursuant to MPEP §806.05(f), MPEP §806.05(e), MPEP §806.05(i), and 35 U.S.C. §121 the Examiner requires restriction between Groups I, II, and III. Applicants respectfully traverse this restriction.

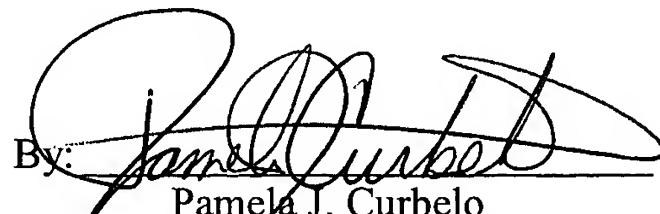
Pursuant to MPEP §806.05(e), restriction is required between Groups I and II because they are allegedly related as a process and apparatus for its practice. However, Claims 1 – 12 are not process claims. They are apparatus claims, namely, claims to a NOx control that comprises a NOx adsorber and a nickel compound. Applicants respectfully request that the restriction be withdrawn between Groups I and II and that these groups be examined together.

Although Applicants request reconsideration and withdrawal of this Restriction Requirement with respect to Groups I and II, in order to meet the requirements of 37 C.F.R. §1.143, Applicants hereby provisionally elect to prosecute Group I, Claims 1 – 12, with traverse. This election is being made without prejudice to Applicants' rights with respect to Claims 13 and 14, Group II, and Claims 15 – 17, Group III, including the right to file divisional application(s) thereon.

If there are any charges with respect to this Restriction Requirement and Preliminary Amendment, or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By:   
Pamela J. Curbelo  
Registration No. 34,676

Date: May 24, 2004  
Address: Cantor Colburn LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
Telephone: (860) 286-2929